

10/1/03



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-2982



Ms. Suzanne Batchelder,  
Project Manager  
c/o Perras Ace  
RR 2, Box 303  
Lancaster, New Hampshire 03584

LETTER OF DEFICIENCY  
WD WQE 03-10  
November 19, 2003

Re: Subdivision of Real and Alice Perras, Route 3, Northumberland, New Hampshire  
Lot 1022, Town of Northumberland Tax Map R-14

Dear Ms. Batchelder

On October 18, 2002 and October 30, 2003, personnel from the Department of Environmental Services ("DES") conducted inspections on the subject property. The purpose of these inspections was to determine compliance with RSA 485-A:17, RSA 482-A and applicable rules promulgated pursuant thereto. During the inspections, the following deficiencies were documented:

A section of a logging road had been converted to a subdivision road and terrain had been altered for lot development. The proposed disturbance for construction of the subdivision road and the existing disturbance that had occurred for road conversion and lot development will exceed 100,000 square feet.

- 2 Alteration of terrain that will exceed 100,000 square feet requires a Site Specific Permit ("Permit") prior to commencement of the activities. The subject disturbance had occurred before a Permit was issued.
- 3 Adequate temporary and permanent erosion and sediment control best management practices ("BMP's") had not been installed for the road, soil stockpiles or disturbed lot(s).
- 4 The road and its ditches, the soil stockpiles and the disturbed lot(s) had eroded
- 5 Sediments from the site had migrated onto abutting properties, and into an unnamed, intermittent brook.
- 6 Concentrated water had been directed onto abutting properties by the construction of drainage ditches. Reportedly, the concentrated flow had caused flooding to both private and State of New Hampshire properties.

Adequate BMP's had not been installed for an extension of the logging road that had been constructed in the Fall of 2003 on the north end of the property, and

- 8 A culvert had been installed to carry a brook at approximately STA 8 + 40 of the subdivision road. DES has no record of a Wetlands Permit for this work

DES believes that the cited deficiencies can be corrected by

Implementing the Corrective Action Plan ("CAP") by **December 1, 2003**. The Corrective Action Plan is dated November 5, 2003 and was submitted to DES by Richard A. Morneau, PE

Implementing adequate BMP's on and along the road **prior to** conducting additional timber harvesting operations.

- 3 Obtaining a Site Specific Permit **prior to** performing additional upgrades to convert the logging road to a subdivision road.

4. Submitting a complete after-the-fact Wetlands Permit /Forestry Notification application to DES by **December 1, 2003** for the culvert that had been installed at approximately STA 8 + 40 of the subdivision road.
5. Submitting an erosion control and stabilization plan by **January 30, 2004** for the southern end of the subdivision road (approximately 1,100 linear feet) and disturbed lot(s) to DES for review and comment.
6. Implementing the erosion control and stabilization plan for the southern end of the subdivision road and disturbed lot(s) by **May 1, 2004**, and

Engaging the services of either a Certified Professional in Erosion and Sediment Control or a PE licensed in the State of New Hampshire ("Consultant") to oversee the implementation of correction Nos. 1, 2 and 6. The monitoring should be performed at least once a week and within 24 hours of a 1/2-inch rain event (i.e. 1/2-inch of precipitation within a 24 hour period) during the preparation for and installation of the BMP's until correction Nos. 1, 2 and 6 are fully implemented.

The Consultant should provide technical assistance and recommendations to the contractor(s) on the appropriate BMP's for erosion and sediment controls, site stabilization and drainage management.

The Consultant should notify the DES Site Specific Program in writing within 24 hours of the completion of each of correction Nos. 1, 2 and 6.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and 485-A:17 may result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Department of Environmental Services  
Site Specific Program  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095  
Attn.: Denise Frappier

Should you have any questions regarding this letter, please contact Denise Frappier at 466-5910.

Very truly yours,

  
**COPY**  
Ridgely Mauck, PE  
Land Resources Management Program

RAM/DMF/rb

CERTIFIED MAIL, RRR# 7099 3400 0003 0688 0276

cc: Mark Harbaugh, DES Enforcement Attorney  
Russell A. Nylander, P.E.-WD/DES  
Denise M. Frappier -WQE/WD/DES  
Northumberland Board of Selectmen  
Northumberland Planning Board  
Richard A. Morneau, PE  
Mrs. Adeline Wagner